

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON POLANCO,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

16 Cr. 826 (PAE)
24 Civ. 9406 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

On March 26, 2025, defendant Jason Polanco filed a notice of appeal from the Court's February 20, 2025 order, *see* Dkt. 5 (the "Order"), which denied Polanco's motion under 28 U.S.C. § 2255 to vacate his conviction and sentence. Dkt. 7.

Under Fed. R. App. P. 22(b)(1), "[i]f an applicant files a notice of appeal, the district judge who rendered the judgment must either issue a certificate of appealability or state why a certificate should not issue." *See Raposo v. United States*, No. 1 Civ. 5870, 2005 WL 292750, at *2 (S.D.N.Y. Feb. 8, 2005); *Soto v. United States*, 185 F.3d 48, 51 n. 3 (2d Cir. 1999) ("We have previously interpreted 28 U.S.C. § 2253(c)(1) to allow district judges as well as circuit justices and circuit judges to issue certificates of appealability.") A certificate of appealability ("COA") "will only be issued in a § 2255 proceeding if the applicant has made a substantial showing of the denial of a constitutional right." *Raposo*, 2005 WL 292750, at *2 (citing 28 U.S.C. § 2253(c)(2)).

For the reasons stated in the Order, Polanco has not made that showing. The Court thus declines to issue a COA as to the Order.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: May 15, 2025